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C O N F I D E N T I A L LILONGWE 000658

SIPDIS

LONDON FOR AF WATCHER PETER LORD

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TAGS: [PGOV](#) [KDEM](#) [MI](#)
SUBJECT: MALAWI: PARLIAMENT AMENDS CONSTITUTION TO DELAY
LOCAL ELECTIONS

REF: LILONGWE 484

Classified By: Peter W. Bodde, Chief of Mission, for reason(s) 1.4(b) and (d).

11. (C) SUMMARY: Led by the ruling majority Democratic Progressive Party (DPP), Malawi's National Assembly amended the section of the constitution that outlines local elections. Previously, the constitution stipulated that local elections must be held twelve months after national elections. The amended version will now stipulate that local government elections be held every five years on a date determined by Malawi's president. The lopsided vote in parliament reflects not only the DPP's strong majority, but also the desire of MP's from all parties to avoid future electoral competition from local counselors. Once ratified by the president, this move will legalize the delay in the 2010 local elections that many had already anticipated. Civil society groups and the private media have roundly denounced the change as a blow to the rule of law. End Summary.

BINGU NOW EMPOWERED TO SET DATE FOR LOCAL ELECTIONS

12. (SBU) At its regular session on December 1, Malawi's national assembly passed a bill to amend Section 147 of the constitution. This section states that, "Local government elections shall take place in the third week of May in the year following the year of the general election of the National Assembly..." The amended Section 147 will now read, "Local government elections shall take place every five years on a date to be determined by the President in consultation with the Electoral Commission..." All constitutional amendments require a two-thirds majority to pass. The vote on the electoral change was 137 votes in favor and five "no's," with two abstentions and 46 members absent. There was little debate with only two MP's, both non-DPP members, speaking out strongly against the bill. The bill now only awaits President Bingu wa Mutharika's signature to take effect.

13. (C) Once ratified, the amendment will legalize the delay in the 2010 local elections that many had already anticipated. Patrick Kabambe (protect), Principal Secretary of the Ministry of Local Government and Rural Development, told emboff privately that he now expects local elections to take place in October or November 2010. He also remarked that "The Electoral Commission's failure to press its constitutional authority opened the way for this change." (See reftel.)

CIVIL SOCIETY OPPOSED

14. (SBU) Malawian civil society was quick to criticize Parliament's action. The December 3 Daily Times headline, "Bingu gets more powers," reflected the worries of many in Malawi that the change concentrates too much authority in the hands of the president. Publicity Secretary Maurice Munthali of the Public Affairs Committee, which represents the social affairs organizations of a number of leading churches, urged President Mutharika not to sign the bill. The highly respected Human Rights Consultative Committee (HRCC), a local NGO, stated publicly that it will take the matter to court if the bill becomes law.

COMMENT: MP'S SELF-INTEREST TRUMPS CONSTITUTIONAL CONCERNS

15. (C) The constitutional amendment on local elections is consistent with a broader, troubling trend toward President Mutharika's concentration of power (septel). Civil society has been outspoken in its opposition, but opposition political leaders provided no effective check on the president. The lopsided vote on the amendment reflected not only the DPP's strong majority, but also the desire of MP's from all parties to avoid future electoral competition from local counselors. Conveniently, without elected local government representatives in place, MPs are the main source in their districts for constituents seeking patronage.

BODDE